

Desk statement

EPA Response to Sierra Club Letter to the Office of Inspector General

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The [Office of the-??] Scientific Integrity Official of the U.S. Environmental Protection Agency (EPA) has responded to a letter from Sierra Club dated March 14, 2017, to the Office of Inspector General. In its letter, Sierra Club requested an inquiry into public statements regarding climate change made by Administrator Pruitt and said that his statements violated the EPA Scientific Integrity Policy. The response of the EPA Scientific Integrity Official stated that the Administrator did not violate the Policy.

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Communications POC: Carolyn Hubbard, Office of Research and Development Communications Director

Background:

EPA's Scientific Integrity Policy, which was issued in February 2012, provides a framework to ensure scientific integrity throughout EPA and to promote scientific and ethical standards, communications with the public, the use of peer review and advisory committees, and professional development.

To assist in the review of this allegation, the Scientific Integrity Official (SciO) convened a panel of Deputy Scientific Integrity Officials from across the Agency. The panel's analysis concluded that the Scientific Integrity Policy applies to all EPA employees, including political appointees, as well as contractors, grantees, collaborators, and student volunteers. In addition, panel found that the Scientific Integrity Policy explicitly protects differing opinions. The Scientific Integrity Policy states that:

*When an Agency employee substantively engaged in the science informing an Agency policy decision disagrees with the scientific data, scientific interpretations, or scientific conclusions that will be relied upon for said Agency decision, the employee is encouraged to express that opinion...*¹

The panel concluded that freedom to express one's opinion on the science is fundamental to EPA's Scientific Integrity Policy even (and especially) when that point of view might be controversial. This protection is afforded to any employee "substantively engaged in the science," including the Administrator when he speaks on matters of science "informing an Agency policy decision." The protection is forward-looking and is designed to encourage the employee to express his or her opinion if

¹ EPA's Scientific Integrity Policy: https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf

he or she “disagrees with the scientific data, scientific interpretations, or scientific conclusions that will be relied upon for said Agency decision.”

In the statements contested by the Sierra Club, the Administrator expressed his opinion regarding contributors to global warming and called for more debate, review, and analysis as a precursor to any future EPA policy decision on the matter. This expression of opinion, which was not made in a decisional context, is fully within the protections of EPA’s Scientific Integrity Policy and does not violate that Policy. The Scientific Integrity Official?? The panel?? also noted that, in his remarks, the Administrator did not suppress or alter Agency scientific findings.

Questions and Answers:

1. What were the findings of the Scientific Integrity Official?

The Scientific Integrity Official found that the public statements cited by the Sierra Club did not violate EPA’s Scientific Integrity Policy. **[FIX as necessary]** In making this finding, the Scientific Integrity Official consulted the Scientific Integrity Review Panel, which stated that an agency employee is free to express one’s opinion on the science. The panel noted that this is a fundamental principle to EPA’s Scientific Integrity Policy even (and especially) when that point of view might be controversial. This protection is afforded to any employee including the Administrator.

2. Do you believe that the overwhelming evidence implicating carbon as the cause of climate change is insufficient and requires additional study?

The question is whether the Administrator violated the Scientific Integrity Policy when he expressed his opinion. I [??] [Do we mean, the Scientific Integrity Official??] believe that everyone has the right to form and express his or her own opinion, including the Administrator of the EPA.

3. Who conducted the evaluation of this allegation of a violation of the Scientific Integrity Policy?

The evaluation of this allegation of a violation of the Scientific Integrity Policy was made by a Scientific Integrity Review Panel consisting of Deputy Scientific Integrity Officials from across the Agency.

4. What criteria did the panel use to evaluate this allegation of a loss of scientific integrity?

The Scientific Integrity Review Panel focused its review on the following text in the Scientific Integrity Policy:

When an Agency employee substantively engaged in the science informing an Agency policy decision disagrees with the scientific data, scientific interpretations, or scientific conclusions that will be relied upon for said Agency decision, the employee is encouraged to express that opinion...

The panel concluded that expressing an opinion about science is not a violation of EPA’s Scientific Integrity Policy.

5. Did the Administrator or anyone else in the new administration play a role in the evaluation of this allegation?

No.

6. Has the new administration tried to influence or diminish the importance of scientific integrity at EPA?

No.

7. Why didn't Francesca Grifo, EPA's Scientific Integrity Official, respond to the letter?

Dr. Grifo was an integral part of this process. She organized the review panel, led them through their deliberations and recommendations, and drafted the report and letter. She was unavailable to finalize or sign the final response letter for health reasons.

8. Why is scientific integrity important?

EPA's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. When dealing with science, it is the responsibility of every EPA employee to conduct, utilize, and communicate science with honesty, integrity, and transparency, both within and outside the Agency.

9. Will policy decisions at EPA continue to be based on sound science?

Yes, sound science should always provide a basis for policy decisions. At the same time, policy decisions may also consider regulatory authority, gaps in the underlying science, practicality, economics, and societal impact. The factors considered depend upon the statute under which the policy decision is made. Science is just one factor???????

10. What can you tell me about other allegations of a loss of scientific integrity that the Agency is evaluating?

Allegations of a loss of scientific integrity are treated confidentially. We do not provide any information about active allegations. Once our assessment is complete, we provide summary information to the interested parties and post summaries in our annual reports on scientific integrity.

11. What authority does the EPA ScIO have to conduct an investigation of the EPA Administrator?

The EPA Scientific Integrity Policy is applicable to all EPA employees including scientists, managers, and political appointees.

12. Shouldn't the ScIO be concerned when the denial of scientific facts is used to undo environmental regulations and support special interests?

[CAS Q: This is a leading and potentially misleading question ("is used"); therefore, "yes" alone might not be an accurate. I recommend that we paraphrase the question in our first sentence, e.g., "The ScIO would be concerned if [use language from the policy] anyone at EPA attempts to alter, suppress or change scientific findings or results or knowingly misrepresents

exaggerates or downplays areas of scientific uncertainty associated with policy decisions, or science.”] The scientific process and interpretation of the science depends upon objectivity and transparency. All high quality scientific findings should be considered; not just those supporting one position or another. The Scientific Integrity Policy supports the use of independent peer review by those without a conflict of interest.

13. The EPA Scientific Integrity Policy states that ... *political appointees ... are required to follow this policy when ... communicating information in an official capacity about Agency scientific activities.* Didn't the EPA Administrator intentionally communicate misinformation about scientific facts and isn't that a lack of scientific integrity?

In this instance, the Administrator was asked his personal opinion, which he provided. The policy endorses differing opinions about science.

14. Can you provide an example of a scenario that would be a loss of scientific integrity?

Here are three examples:

- Preventing the release of a scientific document, because you did not like its findings or the scientists involved.
- Intentionally misrepresenting the scientific findings of a study to support a preferred position.
- Altering, suppressing or changing scientific findings

15. What role does the Scientific Integrity Official have in preventing the denial of scientific facts?

The Scientific Integrity Policy promotes timely release of scientific findings, high quality scientific research free from political interference and personal motivations, and the appropriate use of independent peer review. **[Need to answer the question re: role of the SciO; explain a little more directly how the first sentence relates to denying facts.]**

16. The Administrator has said that he is creating a Red Team-Blue Team process to debate climate science. How would the Scientific Integrity Policy apply to that exercise?

The Scientific Integrity Policy encourages the expression of differences in scientific opinions.

17. What efforts are being made by the Administrator to honor and promote the Policy at the agency among the political appointees?

[Note: this Q focuses on what the Administrator is doing, not the Office of the SciO. Even if we rewrite the question, I think we need to be prepared to say something about the Administrator's engagement] Starting in January 2017, all new EPA employees, including career employees and political appointees, were required to take on-line scientific integrity training. Showing this training to new employees has helped them to establish a personal commitment to scientific integrity, which will contribute to the overall culture of scientific integrity at EPA. The Office of the Scientific Integrity Official continues to work with political appointees to ensure that they take scientific integrity training.

18. Is the panel's report available?

Allegations of a loss of scientific integrity are treated confidentially. Once our assessment is complete, we provide summary information to the interested parties and post summaries in our annual reports. In this case, xxxxxxx **[Q: what about the allegation letter itself? The Sierra Club waived any confidentiality rights by making it public]**

19. How many allegations of a loss of scientific integrity have been investigated?

Since 2012, the ScIO has received 128 allegations, 82 informal (does not want name revealed or is anonymous) and 46 formal (not anonymous). There have been 95 internal and 33 external allegations. She has investigated XXXXXXX. **[Need to answer the question.]**

20. Has the ScIO ever agreed with an allegation of a loss of scientific integrity?

[Please rewrite this in the active voice:] Of the 40 allegations resolved, 8 were dismissed as not being a loss of scientific integrity and 32 were confirmed as a loss of scientific integrity. [As an FYI, 37 are active (evaluation, inquiry, or review stage); 11 unable to proceed, 16 withdrawn, 7 on-hold, 6 reassigned, 10 not a scientific integrity issue, and 1 incident happened prior to policy.]

21. How has EPA punished people who violate the principles of Scientific Integrity?

The ScIO and review panel agree to a set of recommendations that are provided to the DScIO of the involved program to act upon.

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